

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DAVID L. SEENEY,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC,

Defendant.

CIVIL ACTION FILE  
NO. 1:13-CV-347-TWT

ORDER

This is an action under the Real Estate Settlement Procedures Act. It is before the Court on the Report and Recommendation [Doc. 9] of the Magistrate Judge recommending dismissing the action for insufficiency of service of process and for failure to state a claim. The Plaintiff objects to the Report and Recommendation, and says that the Court has discretion to allow additional time to serve the Defendant. The Plaintiff offers no explanation for his failure to properly serve the Defendant in the 10 months since the lawsuit was filed or in the 2 months since the Motion to Dismiss was filed. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Set Aside Default [Doc. 6] is

GRANTED. The Defendant's Motion to Dismiss [Doc. 7] is GRANTED. This action is DISMISSED without prejudice.

SO ORDERED, this 10 day of December, 2013.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge